

THE HYDERABAD IRRIGATION (BETTERMENT
CONTRIBUTION AND INCLUSION FEES)
ACT, No. V OF 1952.

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***THE HYDERABAD IRRIGATION (BETTERMENT
CONTRIBUTION AND INCLUSION FEES)**

ACT. 1952.

No. V of 1952.

*An Act to provide for the levy of betterment
contributions or inclusion fees on certain lands
in the State of Hyderabad.*

Whereas it is expedient to provide for the levy of betterment contributions or inclusion fees on certain lands in the State of Hyderabad ;

Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Hyderabad Irrigation (Betterment Contribution and Inclusion Fees) Act, 1952.

Short title, extent
and commence-
ment.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on such date in such local area in the State of Hyderabad as the Government may by notification in the Jarida appoint in this behalf and different dates may be appointed for different local areas.

2. In this Act unless there is anything repugnant in the subject or context —

Definitions.

(1) "Collector" means the Collector of the District or such other officer as Government may appoint to discharge the functions of the Collector under this Act ;

(2) "contribution" means the betterment contribution referred to in section 3 ;

(3) "drainage work" includes—

(a) channels, either natural or artificial, for the discharge of waste or surplus water and all works connected with or auxiliary to such channels,

(b) escape channels from an irrigation work,

(c) dams, weirs, embankments and sluices,
and

(d) all works for the protection of lands from flood or from erosion,

which are owned or controlled by the Government, or which are maintained by them otherwise than by an assignment of land or land revenue made, confirmed or reorganized by the Government, or which, having been constructed by the Government or being maintained by an assignment of land or land revenue as aforesaid, have not been made over to any person,

but does not include works for the removal of sewage;

(4) "irrigation work" includes—

(a) all canals, channels, tanks, wells, reservoirs, ponds and reservoirs used for the supply or storage of water and all works, embankments and structures (other than escape channels) connected therewith or auxiliary thereto,

which are owned or controlled by the Government, or which are maintained by them otherwise than by an assignment of land or land revenue made, confirmed or recognized by the Government or which having been constructed by the Government or being maintained by an assignment of land or land revenue as aforesaid have not been made over to any person;

(b) all such lakes and other natural collection of water or parts thereof as are owned or controlled by Government;

(c) all lands used for the purpose of the works referred to in sub-clauses (a) and (b) and all buildings, machinery, fences, gates and other erections occupied by, or belonging to, the Government on such lands;

(5) "owner", in relation to any land, includes any person having an interest in such land;

(6) "prescribed" means prescribed by rules made under this Act.

Recovery of
betterment
contribution.

3. The Government shall be entitled to recover a betterment contribution, in accordance with the provisions of this Act, from the owner of any land which, in their opinion is benefited, or is capable of being benefited, by the completion of the construction of any irrigation or drainage work or

by the completion of the improvement or extension of any such work, whether after the commencement of this Act, or at any time before such commencement but not earlier than the 1st January, 1943.

4. Subject to such rules as may be prescribed, the Collector shall determine the contribution payable in respect of each of the lands mentioned in section (3), after taking into account of the increase in its capital value as estimated in the prescribed manner:

Determination of contribution by Collector.

Provided that the contribution shall in no case exceed one-half of such increase.

5. Before determining the contributions payable under section 4, the Collector shall invite objections and suggestions, in such manner as may be prescribed, from the persons liable to pay the same and consider in the prescribed manner all objections and suggestions received from them.

Procedure of Collector.

6. Every owner shall become liable to pay the contribution determined under section 4 in respect of his land as soon as he is served with a written notice of demand therefor issued by the Collector.

When contribution becomes payable.

7. Any owner aggrieved by any determination made by the Collector under section 4 may, within the prescribed time, appeal to the Board of Revenue; and the Board may pass such orders on the appeal as it thinks fit.

Appeals.

8. The Government may, at any time, either *Suo motu* or on application, call for and examine the record of any proceeding taken under this Act by any officer or authority including the Collector and the Board of Revenue, for the purpose of satisfying themselves as to the legality, regularity or propriety of such proceeding, and may pass such orders in reference thereto as they think fit :

Revision.

Provided that the contribution or inclusion fee ordered to be paid by the Collector or the Board of Revenue in any case, shall not be enhanced, without the parties concerned being given an opportunity to be heard by the Revenue Minister.

9. Any order passed by the Government in revision under section 8, and subject to such order, any order passed by the Board of Revenue on appeal preferred to it under

Finality of orders passed under the Act.

section 7, and subject to the orders aforesaid of the Government and the Board, the determination of the Collector under section 4 shall be final and it shall not be liable to be questioned in any Court of Law.

Mode of payment
of contribution.

10. The owner of any land in respect of which any contribution is payable shall pay it in the manner prescribed, provided that the Government may, in any case or class of cases accept payment of the betterment contribution by way of surrendering to them by the owner of a portion of the land, the value whereof is in their opinion equal to the amount of the contribution.

Deduction from
contribution.

11. A person liable to pay any contribution in respect of the construction, improvement or extension of any irrigation of drainage work shall be entitled to deduct from the amount thereof any amount previously paid by him to the Government as a voluntary contribution for the same purpose.

Contribution
recoverable as
arrear of land
Revenue.

12. If the amount of the contribution or of any instalment thereof, or of any interest thereon payable under this Act, is not paid within the prescribed time, it shall be recoverable as if it were an arrear of land revenue.

Recovery of
inclusion fee.

13. (1) The Government shall be entitled to recover an inclusion fee from the owner of any dry land included either in the wet ayacut or in the irrigated dry ayacut served by any such irrigation or drainage work as is mentioned in section 3.

(2) The provisions of this Act in regard to the determination, payment and recovery of the betterment contribution shall, so far as may be, and subject to such modifications, if any, as may be prescribed, apply to the determination, payment and recovery of inclusion fee under this section.

Contribution and
inclusion fee not
to be levied for
the same land.

14. Nothing contained in this Act shall be deemed to authorise the levy of both contribution and inclusion fee for the same land.

Power to exempt.

15. The Government may by general or special order and subject to such conditions, if any, as may be prescribed, exempt any land or class of land from the levy of contribution or inclusion fee under this Act.

16. The Government may, by notification published in the Jarida, make rules to carry out the purposes of this Act and in particular make rules for anything which under this Act may be prescribed. Power to make rules.

17. Nothing contained in this Act shall apply to the determination, payment or recovery of the betterment contribution or the inclusion fee from the owners of lands which are benefited or are served, by an irrigation or drainage work, if provision in that behalf is contained in any other law for the time being in force and relating to such work. Savings.
